IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.2911 OF 1992.

1. Bhalchandra Dashrath Shinde,
   R/at Singh Compound,Shiv Mandir
   Path, Ramnagar, Dombivali (E)
   Dist. Thane.

2. Arvind Dashrath Shinde
   r/at Papadi Brahman Ali,
   Shinde Wada, Post. Papdi,
   Tal. Vasai, Dist. Thane.

3. Narhar Dashrath Shinde
   R/at Papadi Brahman Ali,
   Shinde Wada, Post Papdi
   Tal. Vasai, Dist. Thane.

4. Hareshwar Dashrath Shinde
   R/at Chaudharwadi, Post Samaiche
   Karanje, Tal. Baramati,
   Dist. Pune. ..Petitioners

V/s

1. The Vasai Municipal Council

2. The Collector, Thane.

3. The State of Maharashtra ..Respondents.

Mr. D.K. Ghaisas for the petitioners.

Mr. A.P.Vanarase,AGP for respondent Nos. 2 and 3.

CORAM : D.G.DESHPANDE, J.

DATE : 13TH SEPTEMBER, 2006.

ORAL ORDER

. Heard Mr. Ghaisas, Advocate for the petitioner

and Mr. Vanarase, AGP for respondents No. 2 and 3.

2. The Vasai Municipal Council leased out certain piece of land initially for a period of 10 years then extended by 25 years. The petitioners after expiry of period of 25 years on 29/4/1985 again asked for extension of lease period. He was informed by the Collector, Thane, that the land leased out to the petitioners was in the heart of the city and whether the petitioners are ready to purchase it according to market price. The petitioners expressed their willingness to purchase the land at the market rate. However, upon consideration, that proposal of the petitioners was not accepted by the Council by Resolution No. 115 at Exh. This was forwarded by notice calling upon the petitioners to vacate the premises and hand over the possession to the Municipal Council Vasai. Therefore, this petition came to be filed and ad interim relief in terms of prayer clause (c) was granted.

3. Petitioners advocate now has tendered a Xerox copy of the certified copy of the Resolution passed by Vasai Municipal Council on 26th May, 1994 to the effect that the area covered by the existing building of the

petitioners can be sold to the petitioners by the Municipality, but because of the pendency of the petition further steps are not being taken by the Municipality. Therefore, advocate for the petitioners prays that the writ petition be disposed of by taking into consideration of aforesaid Resolution. As such the petition is disposed of by noting a Resolution No.10 dated 26th May, 1994 passed by the Municipal Council. The Xerox copy of the certified copy of the said Resolution which was tendered by Advocate for the petitioners is taken on record and marked as "X" for identification. It is expected that further action pursuant to the Resolution will be taken by the Municipal Council, Vasai-respondent No.1. Petition is disposed of accordingly.

(D.G.DESHPANDE, J.)